



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY

MIKE STRAIN DVM

COMMISSIONER



HORTICULTURE COMMISSION MEETING

June 12, 2008

9:00 a.m.

Veterans Memorial Auditorium
5825 Florida Boulevard
Baton Rouge, LA 70806
Minutes

Agricultural & Environmental Sciences

P.O. Box 3596
Baton Rouge,
LA 70821
(225) 925-9770
Fax: 925-3760

Agro-Consumer Services

P.O. Box 3098
Baton Rouge,
LA 70821
(225) 922-1341
Fax: 923-4877

Animal Health Services

P.O. Box 1951
Baton Rouge,
LA 70821
(225) 925-3962
Fax: 925-4103

Forestry

P.O. Box 1628
Baton Rouge,
LA 70821
(225) 925-4500
Fax: 922-1356

Management & Finance

P.O. Box 3481
Baton Rouge,
LA 70821
(225) 922-1255
Fax: 925-6012

Marketing

P.O. Box 3334
Baton Rouge,
LA 70821
(225) 922-1277
Fax: 922-1289

Soil & Water Conservation

P.O. Box 3554
Baton Rouge,
LA 70821
(225) 922-1269
Fax: 922-2577

CALL TO ORDER

The hearing was called to order by Mr. Bass at 9:06 a.m.

ROLL CALL

The roll was called by Mrs. Bolding.

Members present: Fred Bass, Todd Parker, Dr. Allen Owings, Emily Stich, Roger Mayes, Harold Tani, Van Cox, Stephen Hoover, Donald Kelly, Rob Barry, III and Bill Fleming.

Members absent: Randall Harris and Thomas Spedale.

A quorum was present.

Others present: Marvin Montgomery, LDAF Counsel; Murphy Bell, Commissions' Attorney; Linsey Hunter, Hearing Officer; Craig Roussel, LDAF; Ansel Rankins, LDAF; Mark LeBlanc, LDAF; Ruby Bolding, LDAF; and Bridgette Ott, LDAF.

APPROVAL OF MINUTES

Motion: Ms. Stich made a motion to approve the minutes from the March 13, 2008 hearing. This motion was seconded by Mr. Mayes and passed unanimously.

APPOINTMENT OF ASSISTANT DIRECTOR

Motion: Mr. Parker made a motion to appoint Mr. Ansel Rankins as the Assistant Director of the Horticulture Commission. This motion was seconded by Mr. Cox and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, September 11, 2008 at 9:00 a.m. in the Veterans Memorial Auditorium.

OLD BUSINESS

Mr. Montgomery gave an update on Edric Hill which was a case heard by the Horticulture Commission several years ago. Mr. Hill was operating without a license as an arborist in the Shreveport area for several years. He appeared before the Commission several times and substantial fines were placed against him. He has recently filed for bankruptcy. Because we have a judgment against him, his bankruptcy states that he will pay the full amount of the fines owed to the department and the full amount of the restitution owed to the citizens of Shreveport.

REINSTATEMENT REQUESTS

Ms. Melissa Hatley requested to have her Landscape Contractor and Horticulture Service licenses reinstated. **Motion:** Ms. Stich made a motion to reinstate Ms. Hatley's license without her having to retake the examination and that she pay the required fee. This motion was seconded by Mr. Barry. 9 of the Commission members were in favor with only 1 opposed; therefore, the motion passed.

Ms. Bridget Bland requested to have her Retail Florist license reinstated. **Motion:** Mr. Tani made a motion to reinstate Ms. Bland's license. This motion was seconded by Mr. Cox and passed unanimously.

Mr. John Baker requested to have his Retail Florist license reinstated. **Motion:** Mr. Cox made a motion to reinstate Mr. Baker's license. This motion was seconded by Mr. Parker and passed unanimously.

Ms. Martha Perry requested to be placed on the agenda to ask for reinstatement of her Retail Florist license; she did not appear.

HEARING

CONTINUED CASES

Milton Vallaire

Case No.: 07-004

This is a prior hearing case that the opposing attorney wants to withdraw on. Mr. Bell presented that information to the hearing officer. This case was not on the docket for this hearing but it was presented just to be put on the record. They have decided to stay this pending jurisdiction over the matter.

Randy Seals
d/b/a Seals Tree Service
2211 Rock Hill Road
Dry Prong, LA 71423

Case No.: 08-002

Six violations of L.R.S. 3:3804 (C) for engaging, advertising and soliciting in a regulated profession (arborist) without the proper license.

Stipulation received. The department recommended a penalty of \$250.00 per violation with \$500.00 suspended for a total fine of \$1,000.00 because Mr. Seals has obtained his arborist license and paid \$1,000.00.

Motion: Mr. Cox made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Fleming and passed unanimously.

Jimmy Dupre
d/b/a Dupre's Complete Tree Service
8714 Weeks Island Road
New Iberia, LA 70560

Case No.: 07-015

Two violations of L.R.S. 3:3804 (C) for advertising in a regulated profession (arborist) without the proper license.

Mr. Dupre was not present but the department proceeded because service was effected.

Motion: Mr. Cox made a motion to find Mr. Dupre guilty. This motion was seconded by Mr. Hoover and passed unanimously. The department recommended a penalty of \$250.00 per violation for a total fine of \$500.00 and they asked the Commission to allow them to seek an injunction against Mr. Dupre because he has \$1,600.00 in outstanding fines. **Motion:** Mr. Mayes made a motion to accept the recommendation. This motion was seconded by Mr. Cox and passed unanimously.

New Cases

Mark Deshotel
4044 Luke Powers Road
Lake Charles, LA 70615

Case No.: 08-006

Three violations of L.R.S. 3:3804 (C) for engaging and advertising in a regulated profession (arborist) without the proper license.

Stipulation received. Recommended penalty of \$250.00 per violation with \$500.00 suspended for a total fine of \$250.00. **Motion:** Mr. Cox made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Fleming and passed unanimously.

Gerald Brecheen
d/b/a Brecheen Tree Service
30905 Burgess Road
Denham Springs, LA 70726

Case No.: 08-005

Six violations of L.R.S. 3:3804 (C) for engaging and advertising in a regulated profession (arborist) without the proper license.

Mr. Brecheen was present and stipulated to the charges. Mr. Brecheen's current charges total \$1,500.00. The department recommended suspending \$500.00 of the new violations, allow Mr. Brecheen to pay his past fine of \$1,450 within 30 days and then pay the other \$1,000.00 on the new fine under the new stipulation within 6 months. **Motion:** Mr. Mayes made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Fleming and passed unanimously.

Adrian Juttner
d/b/a Adrian's Tree Service
2031 Farragut Street
New Orleans, LA 70114

Case No.: 08-010

One violation of LAC 7:XXIX § 117E (9) for failure to follow required standards (arborist) of practice.

Case continued.

John Dunn
d/b/a Tree Service
120 Canal Street
Sulphur, LA 70663

Case No.: 08-003

Five violations of L.R.S. 3:3804 (C) for advertising, engaging and soliciting in a regulated profession (arborist) without the proper license.

Mr. Dunn was not present but the department proceeded because service was effected.

Motion: Mr. Hoover made a motion to find Mr. Dunn guilty. This motion was seconded by Mr. Barry and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$1,250.00. **Motion:** Mr. Cox made a motion to accept the recommendation. This motion was seconded by Mr. Parker and passed unanimously. **Motion:** Mr. Hoover made a motion to seek an injunction against Mr. Dunn because he has \$500.00 in outstanding fines. This motion was seconded by Ms. Stich and passed unanimously.

At 10:35 a 5 minute recess was called.

The meeting was called back to order at 10:40 with a quorum present.

Jesse James
d/b/a Jesse James Tree Service
P. O. Box 767
Abita Springs, LA 70420

Case No.: 08-004

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist) without the proper license.

Case continued.

Ben Passman
d/b/a Tree & Trac
24428 Joe May Road
Denham Springs, LA 70726

Case No.: 08-007

One violation of L.R.S. 3:3804 (C) for advertising in a regulated profession (arborist) without the proper license.

Mr. Passman was not present but the department proceeded because service was effected.

Motion: Mr. Cox made a motion to find Mr. Passman guilty. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$250.00. **Motion:** Mr. Cox made a motion to accept the recommendation. This motion was seconded by Mr. Fleming and passed unanimously.

Al Suggs, Sr.
d/b/a Timber Company
620 North Dugas Road
Lafayette, LA 70507

Case No.: 08-008

Three violations of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist) without the proper license.

Mr. Suggs was present. **Motion:** Mr. Cox made a motion to find Mr. Suggs guilty on charge 1. This motion was seconded by Mr. Fleming. **Motion:** Mr. Hoover made a motion to table the first charge until the Commission has heard all of the charges. This motion was seconded by Ms. Stich and passed unanimously. **Motion:** Mr. Cox made a motion to find Mr. Suggs guilty on charges 2 and 3 and dismiss charge 1. This motion was seconded by Mr. Hoover and passed unanimously. Recommended penalty of \$250.00 per violation.

Motion: Mr. Barry made a motion to fine Mr. Suggs \$500.00 with \$250.00 suspended for a total fine of \$250.00. This motion was seconded by Mr. Mayes and passed unanimously.

Billy Broussard
d/b/a Billy Broussard Companies
208 S. College Road
Lafayette, LA 70503

Case No.: 08-009

Four violations of L.R.S. 3:3804 (C) for advertising in a regulated profession (arborist) without the proper license.

Mr. Broussard was not present but the department proceeded because service was effected.

Motion: Mr. Cox made a motion to find Mr. Broussard guilty on all four violations. This motion was seconded by Mr. Fleming and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$1,000.00. **Motion:** Mr. Cox made a motion to accept the recommendation. This motion was seconded by Mr. Hoover and passed unanimously.

NEW BUSINESS

Report on current legislation:

Mr. Roussel gave a report on current legislation.

Senate Bill 635 was signed by the Governor on June 5, 2008 and is now Act 63. This Act consolidates the professions of landscape contractor and horticulture service into one licensed profession known as landscape horticulturist. Any person that currently holds a landscape contractor or horticulture service license will automatically be grandfathered in and at renewal time will be issued one license as a landscape horticulturist.

Senate Bill 623 has been through the process, it only awaits the Governor's signature if he doesn't sign it then it will become effective August 15, 2008 unless he vetoes it. This bill is to increase the amount of the fines allowed on violations and impose new amendments to L.R.S. §3:3810 and L.R.S. §3:3803.

Senate Bill 497 authorizes licensed retail florists to operate floral climate-controlled vending kiosk systems, subject to certain restrictions. It has also been through the process and awaits signature by the governor.

Senate Bill 627 requires the commission to adopt rules and regulations regarding the demonstration portion of the retail florist examination. It awaits final passage by the senate.

Adoption of Notice of Intent to amend regulations:

Motion: Mr. Cox made a motion to accept the Adoption of the Notice of Intent to amend regulations to provide for the definition of terms used in the regulations and regulatory procedure. This motion was seconded by Mr. Parker and passed unanimously.

Approval of new Landscape Horticulturist exam:

Motion: Mr. Parker made a motion to accept the new Landscape Horticulturist examination. This motion was seconded by Mr. Cox and passed unanimously.

Report on Asian Citrus Psyllid:

Mr. Roussel gave an update on Asian Citrus Psyllid.

PUBLIC COMMENTS

None.

ADJOURNMENT

Motion: Mr. Bass made a motion to adjourn at 12:25 p.m. This motion was seconded by Mr. Cox and passed unanimously.